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1619
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Andreas BLECKMANN, et al.

SERIAL NO. : 09/577,294

FILED : May 23, 2000

FOR : PREPARATIONS OF THE W/O EMULSION TYPE WITH AN
INCREASED WATER CONTENT, COMPRISING MODERATELY
POLAR LIPIDS AND SILICONE EMULSIFIERS AND, IF DESIRED,
CATIONIC POLYMERS

ART UNIT : 1619

EXAMINER : Lauren Q. Wells

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ORIGINALLY FILED

July 23, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Restriction Requirement dated July 2, 2002 (paper # 18), Applicants
elect:

- | | |
|--|---------------------------|
| 1. as water soluble substance of claim 1 (a) | glycerine |
| 2. as lipid of claim 1(a) | dicaprylyl ether |
| 3. as emulsifier of claim 1(a) | cetyldimethicone copolyol |
| 4. as lipophilic constituents of claim 1(a) | dicaprylyl ether |
| 5. as interface-active substance of claim 1(c) | cetyldimethicone copolyol |

6. as cationic polymer of claim 1(d)

chitosan

This election is made with traverse.

Reconsideration and withdrawal of the restriction requirement is respectfully requested.

Any search of the claimed invention with respect to any species could easily include a search of the full scope of the claimed invention.

The superficial division of the invention down to a plurality of species would, on the other hand, subject Applicants to the extra effort and expenses involved in prosecuting a plurality of individual applications instead of just one.

In addition, the public will be required to study a plurality of patents to ascertain the full scope of Applicants' exclusive rights, instead of just one.

The burden on Applicants and on the public if the restriction requirement is maintained will therefore be much greater than the burden on the Examiner if it is withdrawn.

In the event that the Examiner does not find it possible to withdraw the restriction requirement, it is respectfully requested that the non-elected species be rejoined with the elected species upon the allowance of elected subject-matter.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, applicant requests that this be considered a petition therefor. Please charge the required Petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess to our Deposit Account No. 14-1263.

Respectfully submitted,

NORRIS, McLAUGHLIN & MARCUS, P.A.


By 
William C. Gerstenzang
Reg. No. 27,552

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I hereby certify that this correspondence is being deposited with the United States Postal Services as First Class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on July 23, 2002.

NORRIS, McLAUGHLIN & MARCUS, P.A.

By 

Date July 23, 2002